

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

GREGORY HARRIS,

Case No. 2:18-cv-00294-APG-CWH

Plaintiff,

## ORDER

V.

JAMES DZUREND, et al.,

## Defendants.

13 Presently before the court is Nevada state-prison inmate Gregory Harris' Motion to Serve  
14 Defendants Jo Gentry and Byrne (ECF No. 41), filed on November 5, 2018. Also before the  
15 court is Harris' Motion for Enlargement of Time to Serve Defendants Jo Gentry and Byrne (ECF  
16 No. 43), filed on November 19, 2018. The motions are unopposed.

17 The United States Marshal attempted to serve Jo Gentry and Byrne at their last-known  
18 addresses, which were provided to the court under seal by the Nevada Attorney General's Office.  
19 (Sealed Submission of Last Known Addresses (ECF No. 20).) The U.S. Marshal indicated the  
20 address provided for Byrne was not a valid address. (Summons Returned Unexecuted (ECF No.  
21 32) at 1.) The U.S. Marshal attempted to serve Jo Gentry on three occasions, stating that the first  
22 time nobody was home and that on the second and third attempts he was "unable to contact at the  
23 address." (*Id.* at 4.)

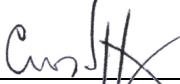
24 Harris now requests that U.S. Marshal attempt to serve the defendants again, or that the  
25 court run an advertisement in the newspaper to locate and serve Jo Gentry and Byrne. Harris also  
26 requests an additional 120 days to serve these defendants. Given that Byrne's address was not a  
27 valid address and that the U.S. Marshal made diligent attempts to serve Jo Gentry at his address to  
28 no avail, the court finds that it would be futile to have the U.S. Marshal attempt to repeat service

1 on those addresses. The court will, however, extend time for service by an additional 120 days  
2 from the date of this order to provide Harris with an opportunity to investigate alternative  
3 addresses for Byrne and Jo Gentry. If he identifies alternative addresses, he may file a motion  
4 requesting service by the U.S. Marshal at those addresses. If he is unable to find alternative  
5 addresses, he may file any motion he deems proper under Rule 4 of the Federal Rules of Civil  
6 Procedure.

7 IT IS THEREFORE ORDERED that plaintiff Gregory Harris' Motion to Serve  
8 Defendants Jo Gentry and Byrne (ECF No. 41) is DENIED without prejudice.

9 IT IS FURTHER ORDERED that Harris' Motion for Enlargement of Time to Serve  
10 Defendants Jo Gentry and Byrne (ECF No. 43) is GRANTED. His deadline to serve these  
11 defendants is extended to May 10, 2019.

12  
13 DATED: January 10, 2019

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16 C.W. HOFFMAN, JR.  
17 UNITED STATES MAGISTRATE JUDGE  
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